

**ARGUMENTS**

Claims 11, 14-16, 18, 20 and 53-62 remain pending in the application. In the Office Action, all claims were rejected as being obvious over the combination of U.S. Patent No. 6,505,160 to Levy et al. ("*Levy*") with U.S. Patent No. 6,310,956 to Morito et al. ("*Morito*") or as obvious over *Levy* in view of *Morito* and further in view of U.S. Patent No. 5,715,403 to Stefik ("*Stefik*") (claims 14 and 58 only). For the reasons set forth below, applicants respectfully submit that the presently pending claims are fully distinguished from the combination of references cited to reject them. Reconsideration and withdrawal of the rejections are respectfully requested in view of the following arguments.

Claim 11 recites a content distribution method which includes a step of monitoring the distribution of one or more pieces of content in a predetermined distribution path to determine whether the one or more pieces of content have been distributed with authorization of the owner of the one or more pieces of content.

However, neither *Levy* nor *Morito* recites a method which includes monitoring the distribution of content in a predetermined distribution path to determine whether distributed content has been distributed with authorization of the owner. *Levy* merely describes a system (FIG. 1) in which content is distributed with an identifier so that a receiver of the content can access "meta data" related to the distributed content. For example, the receiver can use the identifier received with music content to access a song title, lyrics and/or artist information (col. 2, lns. 46-53). A timestamp described in *Levy* (col. 4, lns. 43-48; col. 10, lns. 53-62; col. 3, lns. 37-48) and an identifier are merely used by a server of meta data (Server 1; FIG. 1) to obtain actions or return the meta data related to the content (col. 3, lns. 37-48). There is no teaching in *Levy* of a

system that conducts monitoring to determine whether a particular piece of content is distributed with authorization of the owner. Specifically, *Levy* does not teach any monitoring by which a piece of content would be determined as having been distributed *without* authorization of the owner.

*Morito* does not supply the teachings which *Levy* lacks with respect to the presently claimed invention. *Morito* does not teach monitoring to determine whether a piece of content has been distributed with the authorization of the owner. *Morito* merely teaches a system in which a data recording apparatus (E.g., claim 11) compares received transmission time information relating to transmitted data with current time information, and permits the transmitted data to be recorded when the difference between the two is below threshold. *Morito* does not teach *monitoring* of content distribution nor of *determining* whether content has been distributed with or without authorization of the owner. It is respectfully submitted that, in accordance with the system described in *Morito*, distribution of content without the authorization of the owner might go undetected, so long as difference between the received time information relating to the transmitted data and current time information are below the threshold. No determination is made as to the status of content as having been distributed with or without the owner's authorization.

It is respectfully submitted that claim 53 is allowable for at least the same reasons as discussed above with respect to claim 11, since claim 53 relates to a content distribution apparatus having similar recited features.


The remaining claims, all of which depend from claim 11 or claim 53, are believed to be fully distinguished from the cited references for at least the same reasons as discussed above.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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